

**Tennessee Department of Health
HIV/AIDS/STD Section Update**

July, 2004

Helping to bridge the gap in communication

The HIV/AIDS/STD Section Update is a way to communicate new information, staff changes, and opportunities for training between quarterly meetings. If you have information that you want included in the next update, please e-mail Heather Watson at Heather.L.Watson@state.tn.us.

HIV/AIDS/STD Section

As requested, the staffs' e-mail address has been provided. If you need to speak with someone within the Section, please call (800) 525-2437 or (615) 741-7500. To obtain back issues of the HIV/AIDS/STD Section Update, log on to www.coetenn.com/index.html.

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Settlement: Cirque du Soleil to pay \$600,000 settlement in discrimination suit

In the nation's largest HIV settlement of its kind, a settlement orchestrated by Lambda Legal of New York and mediated by the Equal Employment Opportunity Commission mandated a change in Cirque du Soleil's employment discrimination policy and requires internal education of its staff.

According to the settlement, announced April 22, 2004, Cirque du Soleil will pay a record \$600,000 to end an HIV discrimination complaint filed by a performer who was fired last year because he has HIV.

The settlement ends a nationwide campaign and a federal disability complaint filed by Lambda Legal on behalf of its client, former Cirque performer Mathew Cusick.

“This is a huge victory for working people with HIV because it tells employers that there’s a steep price to pay for HIV discrimination,” said Hayley Gorenberg, director of Lambda Legal’s AIDS Project and the lead attorney on the case.

“This kind of discrimination still happens all across the country, and today’s record-setting settlement will have ripple effects nationwide.”

AIDS POLICY & LAW, May 7, 2004

Drug Pricing: HIV/AIDS patients file federal antitrust suit against Abbott

Abbott Laboratories was hit by a federal antitrust lawsuit filed by two HIV/AIDS patients who claimed the pharmaceutical company illegally hiked the price of its antiretroviral drug Norvir by 400 percent late last year.

The April 21 filing said that in December 2003, Abbott increased the per-patient wholesale price of Norvir from \$54 per month to \$265 per month.

Norvir is used primarily as a booster for other protease inhibitors, such as Bristol-Myers Squibb’s Reyataz and Merck’s Crixivan.

On February 6, Illinois Attorney General Lisa Madigan opened an investigation into whether the price increase of Norvir was designed to increase the price of antiretroviral drug combinations that use Norvir as a booster and steer patients toward Abbott’s newer antiretroviral drug Kaletra.

Kaletra, which does not need a booster because it includes ritonavir, costs about \$18.78 per patient per day, or \$563.40 per patient per month, and has a longer patent life. In addition, the AIDS Healthcare Foundation filed suit in March against Abbott claiming that the drug maker used false advertising to say that state Medicaid programs would not be affected by the price increase. The AHF suit, filed in Los Angeles Superior Court, alleged that Abbott falsely stated the impact the price increase could have on California’s Medicaid program.

AHF also filled a federal antitrust suit against Abbott seeking unspecified damages and a court order establishing a price for Norvir that is within “reasonable financial reach of the

HIV-infected public.” AHF, which operates pharmacies and clinics around the globe, is one of the nation’s largest purchasers of antiretroviral.

According to Joseph Tobacco, the attorney representing the patients, the lawsuit could be the first Norvir suit seeking class-action status. To establish class-action status, the court must determine the plaintiffs are similar enough to represent a class. Tobacco said by increasing the price of Norvir, which adds thousands of dollars a year to its competitors’ regimens that use the drug as a booster, Abbott is attempting to direct patients and physicians to use Kaletra.

“It is one thing for a pharmaceutical company to make money, but Abbott’s unjustified price increase has taken unfair advantage of the very people it could be trying to help,” Tobacco said.

AIDS POLICY & LAW, May 7, 2004

Minority Initiatives CBO Institute Workshops

The Minority Initiatives CBO Institute was created by the Tennessee Department of Health - HIV/AIDS/STD Section, in collaboration with the National Minority AIDS Council (NMAC), to help build the “capacity” of HIV/AIDS care and prevention organizations with special emphasis on minority agencies to address the HIV/AIDS health disparity among African American and Hispanic populations. The Institute offers a variety of workshops, specifically tailored by NMAC to strengthen resources and address needs. Workshop topics offered include:

- Strategic Planning
- Fiscal Management (Report)
- Grant Writing
- Board Development
- Surviving an Audit
- Fundraising and Resource Development
- Human Resource Development
- Leadership Development & Management

The workshops are offered at various and are held across the state. For more information, log onto the COE website at <http://www.coetenn.com/IndexASS.htm>, or call Catherine Bays at (423) 424 – 4270.

CBO Spotlight: Nancy's House

Nancy's House is a community based organization in Cleveland, Tennessee. This organization is based on the dream of Nancy Rene Cardwell, a young woman who discovered she was HIV positive in 1989. She envisioned a future when HIV positive people in rural counties would have more access to local support in these areas. Unfortunately, Nancy did not live to see the CBO with her namesake come to fruition in 1996.

Upon Nancy's death, her parents had requested that memorial contributions be given to form such an agency. Through fundraising efforts and private donations, a local support group was formed. It was led by Linda Gant, a local community volunteer. Gant created a board for this group from local citizens and clergy, even though they had no formal home at that time. Their first official board meeting came in March of 1996. Through an extensive letter writing campaign in 1996, \$50,000 was raised enabling them to move in the building they still have now on that Labor Day.

Their first four years of existence, they were completely funded through fundraisers and private donations. All furniture and equipment was donated. The only expenses outside of client services were prevention education efforts and general operating costs.

Most of their original clients were also members of the support group. Word quickly spread around Cleveland and the surrounding area. Over 80 clients have been served in various ways since the organization's inception.

Finally, extra funding came in 1999, when they received their first Ryan White grant. In 2000, they received a United Way grant. Both these have been continually funded since. Nancy's House has also been approved for funding under a McMinn County grant the past three years. However, they have yet to receive anything from the grant due to budget issues from the county. The county did give them a one-time \$1000 supplemental grant. Now, approximately two-thirds of their funding is from grants. The agency receives a lot of support from donations. All furniture and appliances are donated from the community. The only expenses outside of their services to clients are rent and utilities.

Nancy's House is a direct services provider. They provide client services including case management, advocacy, support groups, activities and referrals for infected/affected individuals plus their families. They serve as a resource center with up-to-date educational materials and a monthly newsletter. The staff hosts comprehensive educational seminars and workshops addressing HIV/AIDS prevention and concerns of the community. Their other primary service is to provide rapid testing to clients. Their outreach is performed in all levels of school except grade school, health fairs and halfway houses.

New leadership has come to Nancy's House from Amy Cunningham Fields. She has taken the reins from Ginny Stone as of May. Cunningham Fields has a Masters degree in Public Health in Human Sexuality from the Institute for Advance Study of Human Sexuality in San Francisco and a Bachelor of Science degree in Organizational Management from Covenant College in Lookout Mountain, Georgia. Cunningham Fields has a certification in Sexual Attitude Restructuring.

Michael Smith, an HIV Educator from Chattanooga, is another new addition to Nancy's House. Their first ever funding from HIV Prevention covers Smith's activities. He possesses a Bachelor of Science degree in Childhood and Family Studies from the University of Chattanooga and is completing a Masters degree in Public Administration at the university also. Michael is formerly a school teacher.

Finally, Nancy's House has employed a new Social Work Case Manager, Amanda Godin. Godin has received a Masters in Science in Social Work from the University of Tennessee at Knoxville and a Bachelor of Science degree in Human Services and Church Vocations from Tennessee Wesleyan. Currently, Godin is working towards becoming a Licensed Clinical Social Worker (LCSW). She provides the majority of direct client services, ranging from counseling to transportation.

Chris Drumright

Dental Program Changes

Beginning March 31, 2005, the State sponsored dental program through Ryan White will be terminated. Clients will be required to obtain services through their regional consortium by applying through their regional medical care manager. For more information, please contact Jimmy Nanney.

Del Vineyard

Ryan White Program Gets More Money

Sometimes more money can cause problems. You might wonder, how can that be? In order for Tennessee to access all available money through the Ryan White CARE Act, Title II, the state is required to match every two federal dollars with one state dollar. The \$5,000,000 in Emerging Communities (EC) money that was received in 2003 tested the Division's matching capacity. It took all of the matching dollars that we could scrape together to cover our regular Ryan White grant and the additional EC dollars. One of the new ways we were able to provide matching dollars was by recording the difference between the amount billed by Medical Services providers---their usual and customary charges---and the amount that the Fee Schedule allows. The difference is considered a Contribution in Kind from those providers and is an allowable way to supply matching funds. This grant year, we will need \$10,589,117 to match the federal funds that have

been awarded. In addition to the matching sources that we have traditionally used and the contribution from our Medical Services providers, this year we will have \$1,000,000 in state appropriated funds for use as matching dollars. This marks the first time that the Tennessee Legislature has appropriated money specifically for the purpose of providing matching dollars. These funds were crucial to insure that we were able to access our entire Ryan White allocation. Changes in TennCare have caused the number of clients served by the HIV Drug Assistance Program and the Medical Services Program to double. In the past, the Division was not utilizing all allocated funds; therefore we did not have to match unused funds. Now, we are preparing to match all funds to ensure that we may have access to all of them, if needed.

Del Vineyard

HIV Content Guidelines Announcement

Below is the link to the CDC site that describes future HIV material content revisions. This is your chance as public health leaders and HIV/AIDS workers to let CDC know how you feel about this proposal. The public comment period ends August 16, 2004.

http://www.cdc.gov/nchstp/od/content_guidelines/

Dates of Interest

July

July 16, 2004 CBO Institute: Leadership Development & Management
Knoxville
For more information, contact Catherine Bays @ (423) 424-4270

July 22 – 23, 2004 Statewide Quarterly Meetings at the Holiday Inn Vanderbilt
***Agendas are available on the COE website at
<http://www.coetenn.com/IndexASS.htm>

August

August 18, 2004 HIV Prevention Counseling Training - TOT
Memphis
For more information, contact Bob Nelson at
Bob.Nelson@state.tn.us

November

November 3-5, 2004 Get a head start. Mark your calendar now! The 5th Annual Tennessee AIDS Council (TAC) Retreat will be held Wednesday, November 3, 2004, thru Friday, November 5, 2004, in Chattanooga, TN. Agenda and place will be announced later. The steering committee is working diligently on speakers, door prizes and etc. to make this the best one yet. For more information, e-mail Vickie Kegerise at Vickie.Kegerise@state.tn.us , or call (800) 525-2437.

Staff Changes

Recently, several organizational changes were made within Central Office. The HIV Prevention Program and the Field Services Program were combined to form the HIV/AIDS/STD Prevention Services Division---directed by Pam Pitts. Pam is now responsible for the HIV Prevention Grant and all prevention activities for HIV/AIDS/STD. This new program area combines the prevention activities with counseling and testing and will streamline the implementation of the Prevention for Positives Initiative---the new direction mandated by the Centers of Disease Control and Prevention (CDC). Pam can be reached at (800) 525-2437, or at Pam.Pitts@state.tn.us .

The State has disbanded the Office of Program Accountability Review (PAR) in the Department of Finance and Administration (F&A) that monitored contracts and moved that responsibility back to the individual program areas within the Department of Health. Fiscal monitoring will be carried out by the Department's Division of Internal Audit; program monitoring will be carried out by each section. Effectively immediately, Bruce Popp will be responsible for program monitoring for the HIV/AIDS/STD Section. He is currently developing tools and a schedule to assure that we are in compliance with the required monitoring. Bruce can be reached at (800) 525-2437, or at Bruce.Popp@state.tn.us .

Janet Rheume, Consortia Coordinator, resigned as of Friday, May 28th. Until the position is filled, questions about Ryan White issues can be directed to Del Vineyard.

Mattie Rose, HIV/AIDS/STD Section Secretary, resigned as of July 6th. The position will be filled soon.

Jennifer Boher has joined the Surveillance and Data Management Division as the HIV Database Management Assistant. You may reach Jennifer via e-mail at Jennifer.Boher@state.tn.us or via phone at (615) 741 7500, (800) 525 – 2437. Jennifer's skills will be a great asset to the Section.

We would also like to announce that Arnold Mahlum is a permanent state employee as of June 16, 2004. You may reach Arnold Mahlum via e-mail at Arnold.Mahlum@state.tn.us or via phone at (615) 741 7500, (800) 525 – 2437.

Tori Doss is assisting the Ryan White Services Division. This is her second summer with the HIV/AIDS/STD Section.